



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 6009 OF 2022

(SANJAY BHUWANLAL ATRE..VS.. DILIP SAMPAT SAKHARWADE & ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms A.Y. Pardhi, Advocate for Petitioner.

CORAM : ANIL S. KILOR, J.
DATED : DECEMBER 13, 2023.

1. Heard.
2. The judgment and order dated 09/06/2022 passed by the *Ad-hoc* District Judge-2, Gondia in Misc. Civil Appeal No. 09 of 2021, allowing the appeal and thereby restraining the defendant No.18, by way of temporary injunction, from changing the nature of suit land Gut No.122 and from carrying out Brick Kiln in the said land till final disposal of the suit.
3. After going through the record it is evident that *prima-facie* the plaintiff has proved his ownership over the suit land Gut No.122 and the notices issued to the respondent by the Tahsildar shows that the Brick Kiln (factory) is illegal.
4. Moreover, the learned counsel for the petitioner argues that the petitioner has not carried out any brick kiln in Gut No.122, but he is carrying out the said work

in Gut No.123. If this is so, the petitioner cannot be said to be an aggrieved person for the reason that the injunction is related to only suit land Gut No.122 and not to the Gut No.123 on which, according to the petitioner, he is carrying out the said work.

5. In the circumstances, I do not find any error committed by the learned lower appellate Court in granting temporary injunction in favour of the plaintiff.

Accordingly, the writ petition is **dismissed**. No order as to costs.

JUDGE